

Hudson Jobe

From: Charity S. Bird <cbird@kaplanjohnsonlaw.com>
Sent: Tuesday, August 1, 2023 7:30 PM
To: mjohnson@rqn.com
Cc: Orion Hutchin; William Franklin; Chandler Patterson; Todd Farmer; kent@kentries.com; Hudson Jobe; sclift@bakerdonelson.com; heath.hendricks@uwlaw.com
Subject: [EXTERNAL] - FW: In re McClain Feed Yard et al.
Attachments: Everlaw.png; McClain Farms PROD 001_shared_access_log.csv

 External email >

 Contains topics of a financial nature >

All,

Despite our position that the case is improperly venued, we did comply with the production. Please see attached proof of production complete with date, timestamp, and email addresses. The documents were sent on July 25th and again tonight. You should have received another link from my paralegal, Greta Maas, for the Everlaw document production around 8 pm EST tonight. As far as a motion to compel, I don't see any grounds. We would have appreciated a simple inquiry regarding the documents instead of the missive that was sent.

Regards,

Charity

Charity S. Bird
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From: Todd Farmer <tfarmer@farmerwright.com>
Sent: Tuesday, August 1, 2023 7:54 PM
To: Charity S. Bird <cbird@kaplanjohnsonlaw.com>
Subject: FW: In re McClain Feed Yard et al.



[External email]

It doesn't look like you were copied on this.

From: Michael Johnson <MJohnson@rqn.com>
Sent: Tuesday, August 1, 2023 6:30 PM
To: Orion Hutchin <OHutchin@bdflawfirm.com>; William Franklin <bfranklin@bdflawfirm.com>; Chandler Patterson <cpatterson@bdflawfirm.com>; Todd Farmer <tfarmer@farmerwright.com>
Cc: Kent Ries <kent@kentries.com>; Hudson Jobe <hjobe@qlwm.com>; sclift@bakerdonelson.com; W. Heath Hendricks - Underwood Law Firm (heath.hendricks@uwlaw.com) <heath.hendricks@uwlaw.com>
Subject: In re McClain Feed Yard et al.

Warning: This email is from an external source, please make sure you recognize the sender.

Counsel:

As you may or may not know, this office represents Rabo AgriFinance in the McClain entity bankruptcy cases, along with Heath Hendricks of the Underwood firm and Spencer Clift at Baker Donelson. In May of this year the attached subpoenas were served on Meagan Goad and Kinsey Moreland seeking various records and documents that are relevant to the Debtors and their bankruptcy estates. To date, no documents have been produced by Ms. Goad or Ms. Moreland in response to the subpoenas.

I believe Mr. Clift has had several communications with Todd Farmer, who is Kentucky counsel for Ms. Goad and Ms. Moreland and who is included in this email, regarding the subpoenas and the failure of your clients to respond to the subpoenas or produce documents and records. Per an email exchange between Mr. Clift and Mr. Farmer on July 24th, Mr. Farmer reported that "we have the documents ready but an issue has arose. We do not believe the bankruptcy should have been filed in Texas. . . . We filed a motion to transfer venue to Kentucky last week."

The purpose of this email is two-fold. First, we wanted to meet and confer with you in an attempt to resolve issues surrounding your clients' non-compliance without having to involve the Bankruptcy Court through a motion to compel. In our view, the fact that a motion to transfer venue has no bearing on the obligation of Ms. Goad and Ms. Moreland to respond to the subpoenas and produce documents, and we also note that the deadline for compliance with those subpoenas predicated the filing of the motion to transfer venue in any event. Please advise by no later than Thursday, August 3, if your clients will provide the requested documents and information that Mr. Farmer indicated are "ready" for production. If your clients will not produce, or if your clients will continue to take the position that their motion to transfer venue must be decided before they will produce, then Rabo will file a motion to compel and tee the issue up before Judge Jones. Also, please be advised that as the Trustee is also interested in the records we have requested from Ms. Goad and Ms. Moreland both because those records are relevant to the Debtors and their estates and also because those records are relevant to the motion to transfer venue, we understand that the Trustee would agree to join with Rabo on the motion to compel.

Second, assuming we need to file a motion to compel, I write to have a conference regarding that motion. I assume that Ms. Goad and Ms. Moreland will oppose any motion to compel that we file, but please confirm that by August 3rd as well so I can make your clients' position clear in the certificate of conference we will attach to the motion.

Thank you, and I look forward to hearing back from you.

Michael Johnson | Ray Quinney & Nebeker P.C. | 36 South State Street, Suite 1400 | Salt Lake City, Utah 84111
Direct: +1 (801) 323-3363 | Facsimile: +1 (801) 532-7543 | www.rqn.com | [vCard](#)

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| sclift@bakerdonelson.com | PROD 001 | Email Invite | Full Production | 7/25/2023 17:05 |

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|-------------------|------------|-----------------|---|
| Email Invite Sent | Greta Maas | Lebanon, TN, US | https://protect-us.mimecast.com/s/QIC0Co267YIMrZ6s6q_S4?domain=12.71.22 |
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